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OFFICE OF PETITIONS

In re Application of	:
Martins	:
Application No. 10/812,530	: DECISION GRANTING PETITION
Filed: March 30, 2004	:
Attorney Docket No. TI-35630	:

This is a decision on the petition under 37 CFR 1.53, filed October 4, 2004 (certificate of mailing September 29, 2004), requesting that the above-identified application be accorded a filing date of March 30, 2004, with 5 sheets of drawings (Figs. 1-5) described in the specification as part of the original disclosure.

On March 30, 2004, applicant deposited the above-identified application. On July 30, 2004, the Office mailed a Notice of Incomplete Nonprovisional Application, stating that the application was deposited without drawings and that the filing date would be the date of receipt of the drawings.

In response, on October 4, 2004 (certificate of mailing September 29, 2004), applicant filed the present petition and a copy of applicant's postcard receipt acknowledging receipt of "Informal Drawings 5 pgs" on March 30, 2004. Additionally, applicant submitted 5 sheets of drawings with the present petition.

Upon review of the record, the 5 sheets of drawings, deposited on March 30, 2004, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on March 30, 2004, included 5 sheets of drawings, which were subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including the 5 sheets of drawings, was complete on filing and will be granted a filing date of March 30, 2004.

Accordingly, the petition is granted.

The Notice of Incomplete Nonprovisional Application was sent in error and is hereby vacated. Accordingly, the \$130.00 petition fee is unnecessary and will be credited to Deposit Account No. 20-0668.

The Office of Initial Patent Examination is directed to accorded the above-identified application a filing date of March 30, 2004, using the 5 sheets of drawings (Figs. 1-5) submitted with the present petition as part of the original disclosure.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

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